

1982 WL 189305 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1982

\*1 The Honorable Thomas J. DeZern  
Master-In-Equity for Spartanburg County  
County Courthouse  
Spartanburg, South Carolina 29301

Dear Judge DeZern:

In a letter to this office you referenced that you had authorized a sale by a private auctioneer of personal property of a judgment creditor in satisfaction of a judgment. Such property, which consisted of metal and machinery, was divided into 228 lots and sold. Referencing [§ 14-11-310\(9\) of the 1976 Code](#) of Laws, as amended, which provides that a master shall collect 'for the public or private sale or auction (per lot or parcel), five dollars', you have questioned whether such provision is applicable to the above factual situation.

It appears that [§ 14-11-310\(9\)](#), supra, is not applicable to a sale of personal property as outlined above. As to the fee which should be charged in such situation, reference should be made to [§ 14-11-310\(4\) of the 1976 Code](#) of Laws, as amended, which provides that a master shall collect:

'For fees or commissions on monies passing through the court by sales or otherwise, one-half of one percent, up to a maximum of one thousand dollars for any one sale or for any one action referred to it.'

The provision you referenced, [§ 14-11-310\(9\)](#), supra, appears to apply to sales of real property.

If there are any questions concerning the above, please advise.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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